FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7366 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.S.V.Marwadi for the applicant.

Mr.P.S.Hingorani APP for the State.

Coram : R.S.Mohite,J

Date : 6.3.2006.

PC

1. This is an application for grant of bail pending the appeal. I have perused the record & proceedings. One of the injured Nivrutti is said to have been assaulted by the present applicant. Doctor's evidence indicates that the injuries are in the nature of stab wounds. All these injuries are on the vital part of the body of the accused i.e. on chest. It was sought to be argued before me that one of the eye witness has talked about causing of the injury by knife. 2nd one merely talked about sharp

instrument and the 3rd eye witness also talked about assault on chest by sharp edged weapon. Perusal of the panchanama (Exh.79) indicates that the weapon that was seized from Nivrutti was an arrow like instrument with the sharp edge. My attention is drawn to the fact that the witness relating to recovery who was the police officer has referred to the weapon as being like a axo blade. These are matters which can be considered better after the muddemal comes before the Court. In my view, there is sufficient prima facie material. The accused has not undergone any sentence in the trial Court. All arguments made can be considered at the stage of trial. Hence, application is rejected. If the appeal will not be heard within 2 years from today, liberty to apply.

(R.S.Mohite,J)